

Appl. No. : 09/741,669
Filed : December 19, 2000

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

LISTING OF CLAIMS

Claims 1-44 (cancelled)

Claim 45 (currently amended): A method for identifying a compound which reduces the activity or level of a gene product required for proliferation of a microorganism, said method comprising the steps of:

- (a) ~~expressing a sub-lethal level of an antisense nucleic acid complementary to a nucleic acid in a microbial cell, wherein said nucleic acid encodes a gene product whose expression is inhibited by an antisense nucleic acid comprising a nucleotide sequence of SEQ ID NO: 60, providing a sub-lethal level of an antisense nucleic acid so as to inhibit the expression of a *gidC* gene product in a microbial cell that comprises a *gidC* gene,~~ thereby producing a sensitized microbial cell;
- (b) contacting said sensitized microbial cell with a compound; and
- (c) determining whether said compound inhibits the growth of said sensitized microbial cell.

Claim 46 (previously presented): The method of Claim 45, wherein said determining step comprises determining whether said compound inhibits the growth of said sensitized microbial cell to a greater extent than said compound inhibits the growth of a nonsensitized cell.

Claim 47 (previously presented): The method of Claim 45, wherein said microbial cell is selected from the group consisting of bacterial cells and fungal cells.

Claim 48 (previously presented): The method of Claim 45, wherein said microbial cell is a Gram negative bacterium.

Claim 49 (previously presented): The method of Claim 45, wherein said microbial cell is an *E. coli* cell.

Claim 50 (previously presented): The method of Claim 45, wherein said microbial cell is from an organism selected from the group consisting of *Aspergillus fumigatus*, *Bacillus anthracis*, *Burkholderia cepacia*, *Campylobacter jejuni*, *Candida albicans*, *Candida glabrata* (also called *Torulopsis glabrata*), *Candida tropicalis*, *Candida parapsilosis*, *Candida*

Appl. No. : 09/741,669
Filed : December 19, 2000

guilliermondii, *Candida krusei*, *Candida kefyr* (also called *Candida pseudotropicalis*), *Candida dubliniensis*, *Chlamydia pneumoniae*, *Chlamydia trachomatis*, *Clostridium botulinum*, *Clostridium difficile*, *Cryptococcus neoformans*, *Enterobacter cloacae*, *Enterococcus faecalis*, *Escherichia coli*, *Haemophilus influenzae*, *Helicobacter pylori*, *Klebsiella pneumoniae*, *Listeria monocytogenes*, *Mycobacterium leprae*, *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, *Pseudomonas aeruginosa*, *Salmonella choleraesuis*, *Salmonella enterica*, *Salmonella paratyphi*, *Salmonella typhi*, *Salmonella typhimurium*, *Staphylococcus aureus*, *Moxarella catarrhalis*, *Shigella boydii*, *Shigella dysenteriae*, *Shigella flexneri*, *Shigella sonnei*, *Staphylococcus epidermidis*, *Streptococcus pneumoniae*, *Treponema pallidum*, *Yersinia pestis* and any species falling within the genera of any of the above species.

Claim 51 (original): The method of Claim 45, wherein said antisense nucleic acid is transcribed from an inducible promoter.

Claim 52 (previously presented): The method of claim 51, further comprising the step of contacting said microbial cell with an inducer in a concentration which induces said antisense nucleic acid to a sub-lethal level.

Claim 53 (original): The method of Claim 45, wherein growth inhibition is measured by monitoring optical density of a culture growth solution.

Claim 54 (original): The method of Claim 45, wherein said gene product is a polypeptide.

Claim 55 (previously presented): The method of Claim 54, wherein said polypeptide comprises an amino acid sequence of SEQ ID NO: 413.

Claim 56 (previously presented): The method of Claim 45, wherein said gene product is a RNA.

Claims 57-127 (cancelled)

Claim 128 (withdrawn): A method for manufacturing an antibiotic comprising the steps of manufacturing a compound which has been determined to inhibit the growth of a sensitized cell using the method of Claim 45.

Claims 129-131 (cancelled)

Claim 132 (withdrawn) A method for manufacturing an antibiotic comprising the steps of manufacturing a compound which has been determined to inhibit the growth of a sensitized cell using the method of Claim 46.

Claim 133 (cancelled)

Appl. No. : **09/741,669**
Filed : **December 19, 2000**

Claim 134 (previously presented) The method of Claim 45, wherein said microbial cell is a Gram positive bacterium.

Claim 135 (new) The method of Claim 54, wherein said gene product is a polypeptide having at least 95% amino acid sequence identity to SEQ ID NO: 413.

Appl. No. : 09/741,669
Filed : December 19, 2000

SUMMARY OF INTERVIEW

Identification of Claims Discussed

Claims 46-56, 133 and 134 were discussed.

Proposed Amendments

A proposal to amend claim 45 to remove language regarding “a gene product whose expression is inhibited by an antisense nucleic acid comprising a nucleotide sequence of SEQ ID NO: 60” and replace it with language regarding a *yidC* gene product was discussed. Also proposed was an amendment which would state that the microbial cell recited in claim 45 is a microbial cell which comprises a *yidC* gene.

Principal Arguments and Other Matters

In addition to the proposed claim amendment, Applicant's representatives discussed raising the amino acid identity levels recited in claim 133 and providing database search results to show that the *yidC* gene can be identified from a variety of microorganisms.

Results of Interview

It was agreed that the Examiner would consider references submitted in an IDS submitted with a Request for Continued Examination filed on February 23, 2004 and an IDS filed on March 16, 2004 prior to issuing a non-final Office Action which addressed all outstanding issues.